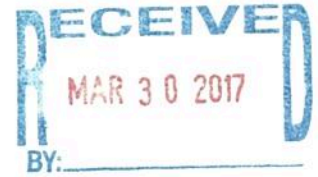


Camille S. Bass
cbass@bholaw.com

March 23, 2017

FREEDOM OF INFORMATION ACT REQUEST



VIA U.S. MAIL

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: FOIA Request regarding Harley-Davidson Tuners

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, I submit this request for documents to the U.S. Environmental Protection Agency ("EPA").¹ This request seeks information relating to tuning devices sold by Harley-Davidson, Inc., Harley-Davidson Motor Company Group, LLC, Harley-Davidson Motorcycle Company, Inc., and Harley-Davidson Motor Company Operations, Inc. (collectively, "Harley-Davidson").² Harley-Davidson is in the business of selling motorcycles and related products, including the Screamin' Eagle electronic fuel injection Race Tuner (Part No. 32107-01L) and the Screamin' Eagle Pro Super Tuners (Part Nos. 32109-08, -08A, -08B, and -08C) (together, the "Tuners").

The EPA found that once installed, the Tuners "caused motorcycles to emit higher amounts of certain air pollutants than what the company certified to EPA," and such aftermarket defeat devices "alter a motor vehicle's emissions controls and are prohibited under the Clean Air Act for use on vehicles that have been certified to meet EPA emissions standards." *Harley-Davidson to Stop Sales of Illegal Devices that Increased Air Pollution from the Company's Motorcycles*, EPA News Releases (Aug. 18, 2016), available at <https://www.epa.gov/newsreleases/harley-davidson-stop-sales-illegal-devices-increased-air-pollution-companys-motorcycles>. The EPA "discovered [Harley-Davidson's] violations through a routine inspection and information Harley-Davidson submitted after subsequent agency information requests." *Id.*

Therefore, I request the results of the "routine inspection" that led to this finding. This includes, but is not limited to, the following: the EPA's requests to Harley-Davidson related to this inspection; the information submitted by Harley-Davidson to the EPA; all correspondence exchanged between the EPA and Harley-Davidson; investigation memoranda, reports, and any attachments or exhibits to reports; findings; e-mails, notices, orders, or notes concerning any review, analysis, and investigation by the EPA of the Tuners.

¹ The term "EPA" shall include the agency itself and anyone working on behalf of the agency, including its legal counsel.

² The term "Harley-Davidson" shall include the companies themselves (as defined) and anyone working on behalf of the Harley-Davidson companies, including their legal counsel.

National Freedom of Information Officer
U.S. Environmental Protection Agency
March 23, 2017
Page 2

Of particular interest is the Consent Decree between the EPA and Harley-Davidson, filed on August 18, 2016. *See United States of America v. Harley-Davidson, Inc., et al.*, No. 16-cv-01687, D.D.C. (ECF No. 2). I also seek any materials the EPA collected or obtained (particularly from Harley-Davidson) that support or relate to the Consent Decree.

Please exercise your discretion to release the maximum amount of information allowable. As you know, the Freedom of Information Act requires you to release segregable portions of documents after exempt material is deleted. 5 U.S.C. §552(b). I am aware of the right to make an administrative appeal of any denial of my request under the Act, and would like the name of the official to whom such a request should be addressed if necessary. I am also aware that if my request is denied I am entitled to know the grounds for this denial.

I request the available information within the time limits set forth in the Freedom of Information Act, 5 U.S.C. §552(a)(6)(A). In order to help determine costs, please be advised that this request is being made by the law firms of Blood Hurst & O'Reardon, LLP and Pestotnik LLP. The firms are willing to pay fees for this request up to a maximum of \$200.00 for search and review fees. If you estimate that the fees will exceed this limit, please inform me first.

I can be reached at the above number if there is any need to discuss this request, or if I might assist you in your search for specific information. Thank you in advance for your cooperation.

Best regards,



Camille S. Bass

CSB:jk

**BLOOD
HURST &
O'REARDON | LLP**

701 B Street, Suite 1700 | San Diego, CA 92101

3-1-2017



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National Freedom of Information Officer
U.S. Environmental Protection Agency
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